

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SCOTT PINHOLSTER,

No. C 09-1744 SBA (PR)

Plaintiff,

**ORDER DISMISSING COMPLAINT  
WITH LEAVE TO AMEND**

v.

R. S. WONG, et al.,

Defendants.

Plaintiff Scott Pinholster, a state prisoner currently incarcerated at San Quentin State Prison (SQSP), has filed the present pro se civil rights action pursuant to 42 U.S.C. § 1983 alleging a violation of his constitutional rights while incarcerated at SQSP. His motion for leave to proceed in forma pauperis has been granted. Venue is proper in this district because the events giving rise to the action occurred at SQSP, which is located in this district. See 28 U.S.C. § 1371(b).

Plaintiff did not use the Court's civil rights complaint form when he filed this action. His complaint is thirty-two hand-written, single-spaced pages. There is no spacing to indicate where new paragraphs begin.

"The Federal Rules require that averments 'be simple, concise, and direct.'" McHenry v. Renne, 84 F.3d 1172, 1177 (9th Cir. 1996). Excessively lengthy complaints such as the one Plaintiff has filed in this case impose unfair burdens on litigants and judges and fail to perform the essential functions of a complaint. Cf. id. at 1179-80. Accordingly, Plaintiff's complaint is DISMISSED with leave to amend in order to give Plaintiff the opportunity to file a simple, concise and direct complaint which states clearly and succinctly each claim he seeks to bring in federal court and explains how each claim was exhausted in the state courts.

The Court also notes that Plaintiff has provided no details supporting his allegation that he "has fully exhausted all levels of available inmate appeals, [and] all levels were denied." (Compl. at 29.) The Court notes that the civil rights complaint form prompts plaintiffs to provide such details; therefore, Plaintiff should do so in his amended complaint.

**CONCLUSION**

1  
2 1. Plaintiff's complaint is DISMISSED with leave to amend. The amended pleading  
3 must be in the Court's civil rights complaint form and must include the caption and civil case  
4 number used in this Order -- No. C 09-1744 SBA (PR) -- and the words AMENDED COMPLAINT  
5 on the first page.

6 **Failure to file a proper amended complaint within thirty (30) days of this Order will**  
7 **result in the dismissal of this action.**

8 2. The Clerk of the Court shall provide Plaintiff with a blank civil rights complaint  
9 form.

10 IT IS SO ORDERED.

11 DATED: 10/26/09`

  
SAUNDRA BROWN ARMSTRONG  
United States District Judge

United States District Court  
For the Northern District of California

1 UNITED STATES DISTRICT COURT  
2 FOR THE  
3 NORTHERN DISTRICT OF CALIFORNIA

4 SCOTT PINHOLSTER,

5 Plaintiff,

6 v.

7 R S WONG et al,

8 Defendant.

Case Number: CV09-01744 SBA

**CERTIFICATE OF SERVICE**

9 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District  
10 Court, Northern District of California.

11 That on October 28, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said  
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said  
13 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle  
14 located in the Clerk's office.

15 Scott Pinholster #C87601  
16 San Quentin State Prison  
17 San Quentin, CA 94974

18 Dated: October 28, 2009

19 Richard W. Wieking, Clerk  
20 By: LISA R CLARK, Deputy Clerk  
21  
22  
23  
24  
25  
26  
27  
28